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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 JACK L. MORRIS, No. C 06-5015 SI (pr)
9 Plaintiff,
10 v.
11 JOE McGRATH, warden; et al.,
12 Defendants.
**ORDER REGARDING
AND RE-SETTING
MOTION SCHEDUL**

ORDER REGARDING DISCOVERY AND RE-SETTING DISPOSITIVE MOTION SCHEDULE

14 Plaintiff sent to the court a motion for a discovery scheduling order and for a case
15 management conference. The motion is GRANTED in part. (Docket # 23.) The court now
16 orders that discovery may be taken in accordance with the Federal Rules of Civil Procedure. No
17 further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16 is required
18 before the parties may conduct discovery. The court denies the motion insofar as it seeks a case
19 management conference because a case management conference is unnecessary at this point in
20 the action.

21 Plaintiff sent to the court one subpoena and also requested that the clerk issue several
22 subpoenas in blank. The subpoena plaintiff submitted is defective and will not be issued. The
23 subpoena was sent to the court on June 24, 2007 and called for a production of documents on
24 June 24, 2007. It should be obvious to the plaintiff that such a subpoena could never be
25 complied with, as it wouldn't be served until long after the date it set for production. The other
26 problem is that the subpoena requests information rather than documents, yet it purports to be
27 a records-only subpoena. Plaintiff requested the subpoenaed party to collect information and
28 provide it to him, i.e., the "present and last known forwarding business addresses of all

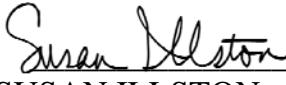
1 defendants in this action." Plaintiff either needs to subpoena existing documents in a records-
2 only subpoena, or subpoena a live person to answer questions in a deposition (for which he must
3 pay the costs and witness fees). Plaintiff also has requested that several subpoenas be issued in
4 blank. The court directs the clerk to mail to plaintiff seven blank subpoenas. Plaintiff should
5 fill them out and return them to the clerk to have them issued. The court notes that thirteen of
6 the defendants have now appeared in this action. As to those defendants, plaintiff no longer
7 needs to try to learn their addresses for purposes of service of process.

8 In light of the fact that all the defendants have not yet been served, the court will re-set
9 the briefing schedule to give an opportunity for all the defendants to be served with process. The
10 briefing schedule set in the June 20, 2007 Order Extending Deadlines is now vacated and reset
11 as follows for dispositive motions from all defendants:

- 12 1. Defendants must file and serve their dispositive motion no later than **November 2,**
13 **2007.**
- 14 2. Plaintiff must file and serve on defense counsel his opposition to the dispositive
15 motion no later than **December 7, 2007.**
- 16 3. Defendants must file and serve their reply brief, if any, no later than **December 21,**
17 **2007.**

18 IT IS SO ORDERED.

19 Dated: 7/30/07 _____


20 SUSAN ILLSTON
United States District Judge

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